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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,611	10/25/2001	Ryota Hata	M2047-27	1017

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DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/045,611

Applicant(s)

HATA ET AL.

Examiner

Regina Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-16, 29, 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/07 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

3. Claims 9-16, 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 128-135 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9, 11 and 13 are directed to a recording medium recording a program which is nothing more than computer programs per se. As set forth in the Interim Guidelines, page 52, in order for functional descriptive material to be statutory, these materials must be claimed as embodied in a **computer-readable media**. Since the claim does not claimed any computer-readable media or medium, the claims are non-statutory.

Claim Rejections - 35 USC § 102

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4. Claims 1-2, 6-10, 14-16, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Someya et al. (US Patent No. 6,300,931).

As to claim 1, 9, Someday discloses an electronic apparatus for displaying a display signal included in a file, the electronic apparatus comprising: a display panel (21, Fig. 4); a display signal acquisition unit (e.g. the signal input unit 22, 23, 24) operable to obtain the display information from the file (e.g. the memory which store the R, G, B data); an image information acquisition unit (1-6) operable to obtain image information from the file, said image information including information regarding an attribute of the display signal (col. 2, lines 40-47, the color level or intensity level of the video signal corresponds to the attribute of the display signal); a lighting unit (20, Fig. 4) operable to light the display panel; a parameter unit (18, Fig. 1) operable to generate a parameter based in the image information in combination with a light state of said lighting unit (see col. 6, lines 43-58), and operable output the generated parameter (e.g. the changes of the color tone to occur when the light source 20 is switched to the low intensity state, that is, the changes of the color tones to occur when the RGB chromaticity points are changed from (xRh, yRh), (xGh, yGh), and (xBh, yBh) in the high intensity state to (xRl, yRl), (xGl, yGl), and (xBl, yBl) in the low intensity state can be compensated with rewriting of the data in the look-up tables (LUT) 10, 11, and 12. Color changes thus can thus be prevented, see col. 4, lines 41-49); a signal correcting unit (10, 11, 12, Fig. 1) operable to correct the display signal using generated parameter and operable to output the corrected display signal (e.g. adjust the color values in the LUT); and a driving unit (17, Fig. 4) to drive the display panel on the basis of a corrected display signal (col. 4, lines 41-49).

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As to claims 2, 6, 10, 14, and 19, Someya discloses the parameter includes information used for tone reproduction curve correction or a color gain adjustment (see Figs. 2 and 3).

As to claims 7, 15, Someya discloses that an area used to stored profile information (e.g. LUT, Fig. 1) about a device that has generated the display signal, wherein the signal correcting means corrects the display while taking this profile into account.

As to claims 8, 16, Someya discloses an operating means that accepts operation of a user, and control means for inputting operational information from the operating means (see Fig. 6), when operational information is not input continuously during a fixed time, the control means turns off the lighting means, and with this turn-off (e.g. BLACK state as shown in Fig. 6) as a trigger, cause the parameter adjusting means adjust the parameter participating in picture quality so as to conform al light state.

As to claim 23, Someya teaches the attribute of the display signal includes a color system of the display signal (black level of the video signal, col. 2, lines 44-45).

Allowable Subject Matter

5. Claims 3-5 are allowed.

Response to Arguments

6. Applicant's arguments filed 1/24/07 have been fully considered but they are not persuasive.

Applicant's remarks on page 11 in that Someya fails to disclose or suggest acquiring image information including information regarding the attribute of the display signal, are not persuasive. Someya teaches the image information acquired by acquisition unit (1-6 in Figs. 1

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and 4) including color level or intensity level (col. 2, lines 40-47), the color level or intensity level of the video signal corresponds to the attribute of the display signal as claimed.

Applicant's argument on pages 11-12 in that Someya discloses the LUT is selected according to the ON/OFF stature of the light source only, the LUT does not change when the attribute of the picture changes and Someya fails to discloses or suggest generating a parameter based on the image information in combination with a light state of the light unit, are not persuasive. Someya teaches the AMP having variable gains, the clamping circuits having variable clamping levels, the LUT changes when the clamping levels of the video signal changes (see col. 5, line 38 to col. 6, line 24), therefore, the LUT of Someya is generated not only based on the light state of the light source but also based on the clamping levels of the video signal (attribute of the display signal).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

4/24/07